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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/844,288

04/27/2001

Shuvranshu Pokhariyal

10559/408001/P10345

9993

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7590

07/14/2004

FISH & RICHARDSON, PC
12390 EL CAMINO REAL
SAN DIEGO, CA 92130-2081

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2655

11

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,288

Applicant(s)

POKHARIYAL ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sreeram Balakrishnan (U.S. Patent 6,233,559, filed April 1, 1998) in view of Scott et al (6101473).

As per claims 1-5, 12-16, and 22-25, Balakrishnan teaches:

receiving information about a recognized phrase from a speech recognition engine
(col. 4, lines 18-19 and 31-33);

selecting, based on the recognized phrase an inherent handler function and
handling information from sets of handling information associated with a different
application, based on identifying the application that is a focus of the recognized phrase
(col. 4, lines 35-40 and 47-51);

having first located the sets of handling information, when the execution of the
associated application is initiated (col. 5, lines 1-5).

Art Unit: 2655

Loading a first grammar for a first application that is automatically selected and loading a second different grammar for a second automatically recognized application (col. 4 lines 40-66)

As per claims 6, 9, 10, 17, 20, 21, 26, 29, and 30, Balakrishnan teaches:
detecting a change of focus from a first to a second application (col. 4, lines 45-47);
inherently producing a second grammar based on the handling information associated with the second application and loading the second grammar into the speech recognizer engine (col. 5, lines 16-18 with Figure 2, elements 44, 48, or 46 and 50);
directing the operating system to provide notification in response to the focus changing and receiving notification from an operating system (col. 4, lines 41-45 with col. 5, lines 1-5).

As per claims 1,12, and 22, Balakrishnan does not explicitly teach the speech engine separate from the applications themselves, however, Scott et al (6101473) teaches the speech server to be separate from the applications themselves (Fig. 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Balakrishnan with a separate speech engine because it would advantageously allow for more than one applications to access the speech engine (Scott et al, col. 2 line 65 – col. 3 line 2).

As per claims 7, 18, 27, and 28, Balakrishnan does not teach generating an uncompiled grammar based on the handling information and compiling it into a binary format. However, it would have been obvious for an artisan at the time of invention to do this (if it had not been already done) to enable the speech recognizer to properly interpret the input speech commands.

As per claims 8, 19, and 28, Balakrishnan does not teach unloading a first grammar associated with the first application from the speech engine. However, it would have been obvious for an artisan at the time of invention to do this when focus has shifted away from the first application so that the speech recognizer would not have to consider irrelevant commands.

As per claim 11, Balakrishnan does not explicitly teach loading the grammar for a second engine onto the speech engine when the focus is changed from a third application to the second application. However, it would have been obvious for an artisan at the time of invention to do this (if it had not already been done) to enable the speech recognizer to properly interpret the commands for the second application.

6. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan (6233559) in view of Scott et al (6101473) in further view of Weber (6532444).

As per claims 31-33, Balakrishnan (6233559) in view of Scott et al (6101473) does not explicitly teach wildcard options for the recognized phrase, however, Weber

(6532444) teaches context specific grammars (abstract) wherein wildcards are utilized (col. 8 line 63 – col. 9 line 7). Therefore, it would have been obvious to one of ordinary skill in the art of speech control processing to modify the context grammar of Balakrishnan (6233559) in view of Scott et al (6101473) with a wildcard function because it would allow for user specific facts to be stored (Weber (6532444), col. 3 lines 30-35).

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2655

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
7/2/2004

W. R. YOUNG
PRIMARY EXAMINER